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6 Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 | UNITED STATES OF AMERICA,

CASE NO. 5:18-MJ-00010-JLT

12 Plaintiff,

**STIPULATION FOR EXTENSION OF TIME FOR  
PRELIMINARY HEARING PURSUANT TO RULE  
5.1(d) AND EXCLUSION OF TIME**

14 NOE PRIETO,

## Defendants.

DATE: December 20, 2019

TIME: 2:00 p.m.

COURT: Hon. Erica P. Grosjean

17 Plaintiff United States of America, by and through its attorney of record, Assistant United States  
18 Attorney LAUREL J. MONTOYA, and defendant NOE PRIETO, both individually and by and through  
19 his counsel of record, DAVID TORRES, hereby stipulate as follows:

20       1. The Complaint in this case was filed on January 12, 2018, and defendant first appeared  
21 before a judicial officer of the Court in which the charges in this case were pending on February 15,  
22 2019. The court set a preliminary hearing date of December 20, 2019.

23       2. By this stipulation, the parties jointly move for an extension of time of the preliminary  
24 hearing date to February 21, 2020, at 2:00 p.m., before the duty Magistrate Judge, pursuant to Rule  
25 5.1(d) of the Federal Rules of Criminal Procedure. The parties have reached a plea agreement and need  
26 time to finalize the written plea agreement, and defendant needs time to prepare for further proceedings  
27 before the District Court.

3. The parties further agree that the interests of justice served by granting this continuance

1 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

2 4. The parties agree that good cause exists for the extension of time, and that the extension  
3 of time would not adversely affect the public interest in the prompt disposition of criminal cases.

4 Therefore, the parties request that the time between December 20, 2019, and February 21, 2020, be  
5 excluded pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), Local Code T-4.

6 IT IS SO STIPULATED.

7 Dated: December 20, 2019

8 MC GREGOR W. SCOTT  
United States Attorney

9 /s/ LAUREL J. MONTOYA

10 LAUREL J. MONTOYA  
Assistant United States Attorney

12 Dated: December 20, 2019

13 /s/ DAVID A. TORRES

14 DAVID A. TORRES  
Counsel for Defendant  
Noe Prieto  
(approved by office 12/20/2019)

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

CASE NO. 5:18-MJ-00010-JLT

Plaintiff,

## FINDINGS AND ORDER EXTENDING TIME FOR PRELIMINARY HEARING PURSUANT TO RULE 5.1(d) AND EXCLUDING TIME

NOE PRIETO,

DATE: December 20, 2019

Defendant.

TIME: 2:00 p.m.  
COURT: Hon. Erica P. Grosjean

The Court has read and considered the Stipulation for Extension of Time for Preliminary Hearing Pursuant to Rule 5.1(d) and Exclusion of Time, filed by the parties. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates good cause for an extension of time for the preliminary hearing date pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure.

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1 Furthermore, for the reasons set forth in the parties' stipulation, the Court finds that the interests  
2 of justice served by granting this continuance outweigh the best interests of the public and the defendant  
3 in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Court further finds that the extension of time would  
4 not adversely affect the public interest in the prompt disposition of criminal cases.

5 THEREFORE, FOR GOOD CAUSE SHOWN:

6 1. The date of the preliminary hearing is extended to February 21, 2020, at 2:00 p.m.  
7 2. The time between December 20, 2019, and February 21, 2020, shall be excluded from  
8 calculation pursuant to 18 U.S.C. § 3161(h)(7)(A).  
9 3. Defendants shall appear at that date and time before the Magistrate Judge on duty.

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11 IT IS SO ORDERED.  
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13 Dated: December 20, 2019

14 /s/ *Eric P. Groj*  
15 UNITED STATES MAGISTRATE JUDGE  
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